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17
18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE CENTRAL DISTRICT OF CALIFORNIA
20 SOUTHERN DIVISION

21
22 **RYAN YOHN, et al.,**

23 Plaintiffs,

24 v.

25 **CALIFORNIA TEACHERS
26 ASSOCIATION, et al.,**

27 Defendants.

28 8:17-cv-00202

**ANSWER OF DEFENDANT
ATTORNEY GENERAL XAVIER
BECERRA**

Judge: Hon. Josephine L. Staton
Courtroom: 10A
Action Filed: February 6, 2017

28
29 Defendant Attorney General Xavier Becerra submits this Answer in response
30 to Plaintiffs' Complaint. The Attorney General answers, in paragraphs that
31 correspond to the Complaint's paragraphs, as follows:

32 1. The Attorney General admits that each judicial opinion referenced in
33 paragraph 1 speaks for itself. Except as specifically admitted, the Attorney General
34 denies the allegations of paragraph 1.

1 2. To the extent that the allegations contained in paragraph 2 are Plaintiffs'
2 characterization of their case and conclusions of law, no answer is required. The
3 Attorney General admits that the California Educational Employment Relations Act
4 (the Act), California Government Code section 3540 et seq., speaks for itself.
5 With respect to the remainder of the allegations in paragraph 2, the Attorney
6 General lacks sufficient knowledge or information to form a belief as to the truth of
7 the allegations, and on that basis denies the allegations of paragraph 2. Except as
8 specifically admitted, the Attorney General denies the allegations of paragraph 2.

9 3. To the extent that the allegations contained in paragraph 3 are Plaintiffs'
10 characterization of their case and conclusions of law, no answer is required. The
11 Attorney General admits that under the Act, unions may charge bargaining unit
12 employees who do not choose to become members of the union an agency fee to
13 cover their share of "the cost of negotiation, contract administration, and other
14 activities of the employee organization that are germane to its functions as the
15 exclusive bargaining representative." Cal. Gov't Code § 3546(a). The Attorney
16 General admits that California employees covered by an agency fee system may
17 challenge the union's classification of expenditures as chargeable. With respect to
18 the remainder of the allegations in paragraph 3, the Attorney General lacks
19 sufficient knowledge or information to form a belief as to the truth of the
20 allegations, and on that basis denies the allegations of paragraph 3. Except as
21 specifically admitted, the Attorney General denies the allegations of paragraph 3.

22 4. To the extent that the allegations contained in paragraph 4 are Plaintiffs'
23 characterization of their case and conclusions of law, no answer is required. To the
24 extent they may be deemed allegations of fact, the Attorney General denies the
25 allegations of paragraph 4.

26 5. The Attorney General denies the allegations of paragraph 5.

27 6. The Attorney General denies the allegations of paragraph 6.

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1 7. To the extent that the allegations contained in paragraph 8 are Plaintiffs'
2 characterization of their case and conclusions of law, no answer is required. To the
3 extent they may be deemed allegations of fact, the Attorney General denies the
4 allegations of paragraph 7.

5 8. Paragraph 8 sets forth a description of the relief sought by Plaintiffs. The
6 Attorney General denies the allegations in paragraph 8.

7 9. Paragraph 9 sets forth a description of the relief sought by Plaintiffs. The
8 Attorney General denies the allegations in paragraph 9.

9 10. The Attorney General admits that Exhibit A speaks for itself. The
10 Attorney General lacks sufficient knowledge or information to form a belief as to
11 the truth of the allegations in paragraph 10, and on that basis denies the allegations
12 of paragraph 10. Except as specifically admitted, the Attorney General denies the
13 allegations of paragraph 10.

14 11. The Attorney General admits that Exhibit B speaks for itself. The
15 Attorney General lacks sufficient knowledge or information to form a belief as to
16 the truth of the allegations in paragraph 11, and on that basis denies the allegations
17 of paragraph 11. Except as specifically admitted, the Attorney General denies the
18 allegations of paragraph 11.

19 12. The Attorney General admits that Exhibit C speaks for itself. The
20 Attorney General lacks sufficient knowledge or information to form a belief as to
21 the truth of the allegations in paragraph 12, and on that basis denies the allegations
22 of paragraph 12. Except as specifically admitted, the Attorney General denies the
23 allegations of paragraph 12.

24 13. The Attorney General admits that Exhibit C speaks for itself. The
25 Attorney General lacks sufficient knowledge or information to form a belief as to
26 the truth of the allegations in paragraph 13, and on that basis denies the allegations
27 of paragraph 13. Except as specifically admitted, the Attorney General denies the
28 allegations of paragraph 13.

1 14. The Attorney General admits that Exhibit D speaks for itself. The
2 Attorney General lacks sufficient knowledge or information to form a belief as to
3 the truth of the allegations in paragraph 14, and on that basis denies the allegations
4 of paragraph 14. Except as specifically admitted, the Attorney General denies the
5 allegations of paragraph 14.

6 15. The Attorney General admits that Exhibit E speaks for itself. The
7 Attorney General lacks sufficient knowledge or information to form a belief as to
8 the truth of the allegations in paragraph 15, and on that basis denies the allegations
9 of paragraph 15. Except as specifically admitted, the Attorney General denies the
10 allegations of paragraph 15.

11 16. The Attorney General admits that Exhibit F speaks for itself. The
12 Attorney General lacks sufficient knowledge or information to form a belief as to
13 the truth of the allegations in paragraph 16, and on that basis denies the allegations
14 of paragraph 16. Except as specifically admitted, the Attorney General denies the
15 allegations of paragraph 16.

16 17. The Attorney General admits that Exhibit G speaks for itself. The
17 Attorney General also admits that California Government Code section 3546.3
18 speaks for itself. The Attorney General lacks sufficient knowledge or information
19 to form a belief as to the truth of the allegations in paragraph 17, and on that basis
20 denies the allegations of paragraph 17. Except as specifically admitted, the
21 Attorney General denies the allegations of paragraph 17.

22 18. To the extent that the allegations contained in paragraph 18 are Plaintiffs'
23 characterization of their case and conclusions of law, no answer is required. The
24 Attorney General lacks sufficient knowledge or information to form a belief as to
25 the truth of the allegations in paragraph 18, and on that basis denies the allegations
26 of paragraph 18.

27 19. The Attorney General admits that Defendant CTA is an affiliate of
28 Defendant National Education Association and that it is a teachers' union in

1 California and a public-employee union in the United States. The Attorney
2 General lacks sufficient knowledge or information to form a belief as to the truth of
3 the remainder of the allegations in paragraph 19, and on that basis denies those
4 allegations. Except as specifically admitted, the Attorney General denies the
5 allegations of paragraph 19.

6 20. The Attorney General admits that Defendant NEA is a teachers' union in
7 the United States and a public-sector union. The Attorney General lacks sufficient
8 knowledge or information to form a belief as to the truth of the remainder of the
9 allegations in paragraph 20, and on that basis denies those allegations. Except as
10 specifically admitted, the Attorney General denies the allegations of paragraph 20.

11 21. The Attorney General admits the allegations in paragraph 21.

12 22. The Attorney General admits the allegations in paragraph 22.

13 23. The Attorney General admits the allegations in paragraph 23.

14 24. The Attorney General admits the allegations in paragraph 24.

15 25. The Attorney General admits the allegations in paragraph 25.

16 26. The Attorney General admits the allegations in paragraph 26.

17 27. The Attorney General admits the allegations in paragraph 27.

18 28. The Attorney General admits the allegations in paragraph 28.

19 29. The Attorney General admits that Defendant Marian Kim Phelps is the
20 superintendent of Westminster School District. The Attorney General lacks
21 sufficient knowledge or information to form a belief as to the truth of the remainder
22 of the allegations in paragraph 29, and on that basis denies the allegations of
23 paragraph 29. Except as specifically admitted, the Attorney General denies the
24 allegations of paragraph 29.

25 30. The Attorney General admits that Defendant Tom Janis is the
26 superintendent of Eureka Union School District. The Attorney General lacks
27 sufficient knowledge or information to form a belief as to the truth of the remainder
28 of the allegations in paragraph 30, and on that basis denies those allegations.

1 Except as specifically admitted, the Attorney General denies the allegations of
2 paragraph 30.

3 31. The Attorney General admits that Defendant Ken Gibbs is the
4 superintendent of Porterville Unified School District. The Attorney General lacks
5 sufficient knowledge or information to form a belief as to the truth of the remainder
6 of the allegations in paragraph 31, and on that basis denies the allegations of
7 paragraph 31. Except as specifically admitted, the Attorney General denies the
8 allegations of paragraph 31.

9 32. The Attorney General admits that Defendant Kent Kern is the
10 superintendent of San Juan Unified School District. The Attorney General lacks
11 sufficient knowledge or information to form a belief as to the truth of the remainder
12 of the allegations in paragraph 32, and on that basis denies the allegations of
13 paragraph 32. Except as specifically admitted, the Attorney General denies the
14 allegations of paragraph 32.

15 33. The Attorney General admits that Defendant Benjamin Churchill is the
16 superintendent of Carlsbad Unified School District. The Attorney General lacks
17 sufficient knowledge or information to form a belief as to the truth of the remainder
18 of the allegations in paragraph 33, and on that basis denies the allegations of
19 paragraph 33. Except as specifically admitted, the Attorney General denies the
20 allegations of paragraph 33.

21 34. The Attorney General admits that Defendant David Hansen is the
22 superintendent of Riverside Unified School District. The Attorney General lacks
23 sufficient knowledge or information to form a belief as to the truth of the remainder
24 of the allegations in paragraph 34, and on that basis denies the allegations of
25 paragraph 34. Except as specifically admitted, the Attorney General denies the
26 allegations of paragraph 34.

27 35. The Attorney General admits that Defendant Janet Schulze is the
28 superintendent of Pittsburg Unified School District. The Attorney General lacks

1 sufficient knowledge or information to form a belief as to the truth of the remainder
2 of the allegations in paragraph 35, and on that basis denies the allegations of
3 paragraph 35. Except as specifically admitted, the Attorney General denies the
4 allegations of paragraph 35.

5 36. To the extent that the allegations contained in paragraph 36 are legal
6 conclusions, no answer is required. The Attorney General admits that he is the
7 Attorney General of California and the chief law officer of the State. The Attorney
8 General admits that article V, section 13 of the California Constitution speaks for
9 itself. The Attorney General also admits that 28 United States Code section
10 2403(b) speaks for itself. Except as specifically admitted, the Attorney General
11 denies the allegations of paragraph 36.

12 37. To the extent that the allegations contained in paragraph 37 are Plaintiffs'
13 characterization of their case and conclusions of law, no answer is required. The
14 Attorney General denies the allegations in paragraph 37.

15 38. To the extent that the allegations contained in paragraph 38 are
16 conclusions of law, no answer is required. The Attorney General denies the
17 allegations in paragraph 38.

18 39. The Attorney General admits the allegations in paragraph 39.

19 40. To the extent that the allegations contained in paragraph 40 are Plaintiffs'
20 characterization of their case and conclusions of law, no answer is required. The
21 Attorney General denies the allegations in paragraph 40.

22 41. To the extent that the allegations contained in paragraph 41 are Plaintiffs'
23 characterization of their case and conclusions of law, no answer is required. The
24 Attorney General denies the allegations in paragraph 41.

25 42. To the extent that the allegations contained in paragraph 42 are legal
26 conclusions, no answer is required. The Attorney General admits that California
27 Government Code section 3544 speaks for itself. The Attorney General also admits
28

1 that California Government Code section 3543.1 speaks for itself. Except as
2 specifically admitted, the Attorney General denies the allegations of paragraph 42.

3 43. To the extent that the allegations contained in paragraph 42 are legal
4 conclusions, no answer is required. The Attorney General admits that each statute
5 referenced in paragraph 43 speaks for itself. Except as specifically admitted, the
6 Attorney General denies the allegations of paragraph 43.

7 44. To the extent that the allegations contained in paragraph 44 are legal
8 conclusions, no answer is required. The Attorney General admits that each statute
9 referenced in paragraph 44 speaks for itself. Except as specifically admitted, the
10 Attorney General denies the allegations of paragraph 44.

11 45. To the extent that the allegations contained in paragraph 44 are legal
12 conclusions, no answer is required. The Attorney General admits that each statute
13 referenced in paragraph 45 speaks for itself. Except as specifically admitted, the
14 Attorney General denies the allegations of paragraph 45.

15 46. To the extent that the allegations contained in paragraph 46 are legal
16 conclusions, no answer is required. The Attorney General admits that each statute
17 referenced in paragraph 46 speaks for itself. The Attorney General lacks sufficient
18 knowledge or information to form a belief as to the truth of the remainder of the
19 allegations in paragraph 46, and on that basis denies the allegations of paragraph
20 46. Except as specifically admitted, the Attorney General denies the allegations of
21 paragraph 46.

22 47. To the extent that the allegations contained in paragraph 47 are legal
23 conclusions, no answer is required. The Attorney General admits that each statute
24 and regulation referenced in paragraph 47 speaks for itself. The Attorney General
25 lacks sufficient knowledge or information to form a belief as to the truth of the
26 remainder of the allegations in paragraph 47, and on that basis denies the
27 allegations of paragraph 47. Except as specifically admitted, the Attorney General
28 denies the allegations of paragraph 47.

1 48. To the extent that the allegations contained in paragraph 48 are legal
2 conclusions, no answer is required. The Attorney General admits that each statute
3 referenced in paragraph 48 speaks for itself. Except as specifically admitted, the
4 Attorney General denies the allegations of paragraph 48.

5 49. To the extent that the allegations contained in paragraph 49 are legal
6 conclusions, no answer is required. The Attorney General admits that each statute,
7 regulation, and judicial opinion referenced in paragraph 49 speaks for itself. The
8 Attorney General lacks sufficient knowledge or information to form a belief as to
9 the truth of the remainder of the allegations in paragraph 49, and on that basis
10 denies the allegations of paragraph 49. Except as specifically admitted, the
11 Attorney General denies the allegations of paragraph 49.

12 50. To the extent that the allegations contained in paragraph 50 are legal
13 conclusions, no answer is required. The Attorney General admits that California
14 Public Employment Relations Board Regulation 32992(b)(1) speaks for itself.
15 Except as specifically admitted, the Attorney General denies the allegations of
16 paragraph 50.

17 51. To the extent that the allegations contained in paragraph 51 are legal
18 conclusions, no answer is required. The Attorney General admits that each statute
19 and regulation referenced in paragraph 51 speaks for itself. Except as specifically
20 admitted, the Attorney General denies the allegations of paragraph 51.

21 52. To the extent that the allegations contained in paragraph 52 are legal
22 conclusions, no answer is required. The Attorney General admits that California
23 Government Code section 32994(b) speaks for itself. Except as specifically
24 admitted, the Attorney General denies the allegations of paragraph 52.

25 53. To the extent that the allegations contained in paragraph 53 are legal
26 conclusions, no answer is required. The Attorney General admits that California
27 Government Code section 3546.3 speaks for itself. The Attorney General lacks
28 sufficient knowledge or information to form a belief as to the truth of the remainder

1 of the allegations in paragraph 53, and on that basis denies the allegations of
2 paragraph 53. Except as specifically admitted, the Attorney General denies the
3 allegations of paragraph 53.

4 54. To the extent that the allegations contained in paragraph 54 are legal
5 conclusions, no answer is required. The Attorney General admits that Defendant
6 Local Unions are the exclusive bargaining agents for the school district identified
7 by Plaintiffs' Complaint. The Attorney General lacks sufficient knowledge or
8 information to form a belief as to the truth of the remainder of the allegations in
9 paragraph 54, and on that basis denies the allegations of paragraph 54. Except as
10 specifically admitted, the Attorney General denies the allegations of paragraph 54.

11 55. To the extent that the allegations contained in paragraph 55 are legal
12 conclusions, no answer is required. The Attorney General lacks sufficient
13 knowledge or information to form a belief as to the truth of the allegations in
14 paragraph 55, and on that basis denies the allegations of paragraph 55.

15 56. The Attorney General lacks sufficient knowledge or information to form
16 a belief as to the truth of the allegations in paragraph 56, and on that basis denies
17 the allegations of paragraph 56.

18 57. The Attorney General lacks sufficient knowledge or information to form
19 a belief as to the truth of the allegations in paragraph 57, and on that basis denies
20 the allegations of paragraph 57.

21 58. The Attorney General lacks sufficient knowledge or information to form
22 a belief as to the truth of the allegations in paragraph 58, and on that basis denies
23 the allegations of paragraph 59.

24 59. The Attorney General lacks sufficient knowledge or information to form
25 a belief as to the truth of the allegations in paragraph 59, and on that basis denies
26 the allegations of paragraph 59.

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1 60. The Attorney General lacks sufficient knowledge or information to form
2 a belief as to the truth of the allegations in paragraph 60, and on that basis denies
3 the allegations of paragraph 60.

4 61. To the extent that the allegations contained in paragraph 61 are legal
5 conclusions, no answer is required. The Attorney General lacks sufficient
6 knowledge or information to form a belief as to the truth of the allegations in
7 paragraph 61, and on that basis denies the allegations of paragraph 61.

8 62. The Attorney General lacks sufficient knowledge or information to form
9 a belief as to the truth of the allegations in paragraph 62, and on that basis denies
10 the allegations of paragraph 62.

11 63. The Attorney General lacks sufficient knowledge or information to form
12 a belief as to the truth of the allegations in paragraph 63, and on that basis denies
13 the allegations of paragraph 63.

14 64. To the extent that the allegations in paragraph 64 are Plaintiffs'
15 characterization of their case or conclusions of law, no response is required. To the
16 extent they may be deemed allegations of fact, the Attorney General lacks sufficient
17 knowledge or information to form a belief as to the truth of the allegations in
18 paragraph 64, and on that basis denies the allegations of paragraph 64.

19 65. The Attorney General admits that only nonmembers of a union
20 participate in the opt-out process. The Attorney General lacks sufficient
21 knowledge or information to form a belief as to the truth of the remainder of the
22 allegations in paragraph 65, and on that basis denies those allegations. Except as
23 specifically admitted, the Attorney General denies the allegations of paragraph 65.

24 66. To the extent that the allegations in paragraph 66 are Plaintiffs'
25 characterization of their case or conclusions of law, no response is required. The
26 Attorney General lacks sufficient knowledge or information to form a belief as to
27 the truth of the remainder of the allegations in paragraph 66, and on that basis
28 denies those allegations.

1 67. To the extent that the allegations in paragraph 67 are Plaintiffs'
2 characterization of their case or conclusions of law, no response is required. The
3 Attorney General admits that each exhibit referenced in paragraph 67 speaks for
4 itself. The Attorney General lacks sufficient knowledge or information to form a
5 belief as to the truth of the remainder of the allegations in paragraph 67, and on that
6 basis denies those allegations. Except as specifically admitted, the Attorney
7 General denies the allegations of paragraph 67.

8 68. The Attorney General admits that each exhibit referenced in paragraph 68
9 speaks for itself. The Attorney General lacks sufficient knowledge or information
10 to form a belief as to the truth of the remainder of the allegations in paragraph 68,
11 and on that basis denies those allegations. Except as specifically admitted, the
12 Attorney General denies the allegations of paragraph 68.

13 69. The Attorney General admits that Exhibit K speaks for itself. The
14 Attorney General lacks sufficient knowledge or information to form a belief as to
15 the truth of the remainder of the allegations in paragraph 69, and on that basis
16 denies those allegations. Except as specifically admitted, the Attorney General
17 denies the allegations of paragraph 69.

18 70. To the extent that the allegations in paragraph 70 are Plaintiffs'
19 characterization of their case or conclusions of law, no response is required. The
20 Attorney General admits that the document referenced in paragraph 70 speaks for
21 itself. The Attorney General lacks sufficient knowledge or information to form a
22 belief as to the truth of the allegations in paragraph 70, and on that basis denies the
23 allegations of paragraph 70. Except as specifically admitted, the Attorney General
24 denies the allegations of paragraph 70.

25 71. The Attorney General admits that each document referenced in paragraph
26 71 speaks for itself. The Attorney General lacks sufficient knowledge or
27 information to form a belief as to the truth of the allegations in paragraph 71, and
28

1 on that basis denies the allegations of paragraph 71. Except as specifically
2 admitted, the Attorney General denies the allegations of paragraph 71.

3 72. The Attorney General admits that each document referenced in paragraph
4 72 speaks for itself. The Attorney General lacks sufficient knowledge or
5 information to form a belief as to the truth of the allegations in paragraph 72, and
6 on that basis denies the allegations of paragraph 72. Except as specifically
7 admitted, the Attorney General denies the allegations of paragraph 72.

8 73. The Attorney General admits that each document referenced in paragraph
9 73 speaks for itself. The Attorney General lacks sufficient knowledge or
10 information to form a belief as to the truth of the allegations in paragraph 73, and
11 on that basis denies the allegations of paragraph 73. Except as specifically
12 admitted, the Attorney General denies the allegations of paragraph 73.

13 74. The Attorney General admits that each document referenced in paragraph
14 74 speaks for itself. The Attorney General lacks sufficient knowledge or
15 information to form a belief as to the truth of the allegations in paragraph 74, and
16 on that basis denies the allegations of paragraph 74. Except as specifically
17 admitted, the Attorney General denies the allegations of paragraph 74.

18 75. The Attorney General lacks sufficient knowledge or information to form
19 a belief as to the truth of the allegations in paragraph 75, and on that basis denies
20 the allegations of paragraph 75.

21 76. The Attorney General lacks sufficient knowledge or information to form
22 a belief as to the truth of the allegations in paragraph 76, and on that basis denies
23 the allegations of paragraph 76.

24 77. To the extent that the allegations in paragraph 77 are Plaintiffs'
25 characterization of their case or conclusions of law, no response is required. The
26 Attorney General admits that each document and exhibit referenced in paragraph 77
27 speaks for itself. The Attorney General lacks sufficient knowledge or information
28 to form a belief as to the truth of the allegations in paragraph 77, and on that basis

1 denies the allegations of paragraph 77. Except as specifically admitted, the
2 Attorney General denies the allegations of paragraph 77.

3 78. To the extent that the allegations in paragraph 78 are Plaintiffs'
4 characterization of their case, no response is required. The Attorney General
5 admits that the document referenced in paragraph 78 speaks for itself. The
6 Attorney General lacks sufficient knowledge or information to form a belief as to
7 the truth of the allegations in paragraph 78, and on that basis denies the allegations
8 of paragraph 78. Except as specifically admitted, the Attorney General denies the
9 allegations of paragraph 78.

10 79. To the extent that the allegations in paragraph 79 are Plaintiffs'
11 characterization of their case or conclusions of law, no response is required. The
12 Attorney General admits that the exhibit referenced in paragraph 79 speaks for
13 itself. The Attorney General lacks sufficient knowledge or information to form a
14 belief as to the truth of the allegations in paragraph 79, and on that basis denies the
15 allegations of paragraph 79. Except as specifically admitted, the Attorney General
16 denies the allegations of paragraph 79.

17 80. The Attorney General admits that exhibit referenced in paragraph 80
18 speaks for itself. The Attorney General lacks sufficient knowledge or information
19 to form a belief as to the truth of the allegations in paragraph 80, and on that basis
20 denies the allegations of paragraph 80. Except as specifically admitted, the
21 Attorney General denies the allegations of paragraph 80.

22 81. The Attorney General admits that the exhibit referenced in paragraph 81
23 speaks for itself. The Attorney General lacks sufficient knowledge or information
24 to form a belief as to the truth of the allegations in paragraph 81, and on that basis
25 denies the allegations of paragraph 81. Except as specifically admitted, the
26 Attorney General denies the allegations of paragraph 81.

27 82. The Attorney General admits that the exhibit referenced in paragraph 82
28 speaks for itself. The Attorney General lacks sufficient knowledge or information

1 to form a belief as to the truth of the allegations in paragraph 82, and on that basis
2 denies the allegations of paragraph 82. Except as specifically admitted, the
3 Attorney General denies the allegations of paragraph 82.

4 83. The Attorney General admits that each document and exhibit referenced
5 in paragraph 83 speaks for itself. The Attorney General lacks sufficient knowledge
6 or information to form a belief as to the truth of the allegations in paragraph 83, and
7 on that basis denies the allegations of paragraph 83. Except as specifically
8 admitted, the Attorney General denies the allegations of paragraph 83.

9 84. The Attorney General admits that the exhibit referenced in paragraph 84
10 speaks for itself. The Attorney General lacks sufficient knowledge or information
11 to form a belief as to the truth of the allegations in paragraph 84, and on that basis
12 denies the allegations of paragraph 84. Except as specifically admitted, the
13 Attorney General denies the allegations of paragraph 84.

14 85. The Attorney General admits that California Government Code section
15 3546(b) speaks for itself. Except as specifically admitted, the Attorney General
16 denies the allegations of paragraph 85.

17 86. The Attorney General denies the allegations of paragraph 86.

18 87. To the extent that the allegations contained in paragraph 87 are Plaintiffs'
19 characterization of their case and conclusions of law, no answer is required. To the
20 extent they may be deemed allegations of fact, the Attorney General denies the
21 allegations of paragraph 87.

22 88. To the extent that the allegations contained in paragraph 88 are Plaintiffs'
23 characterization of their case and conclusions of law, no answer is required. To the
24 extent they may be deemed allegations of fact, the Attorney General denies the
25 allegations of paragraph 88.

26 89. To the extent that the allegations contained in paragraph 89 are Plaintiffs'
27 characterization of their case and conclusions of law, no answer is required. To the
28 extent they may be deemed allegations of fact, the Attorney General denies the

1 allegations of paragraph 89. The Attorney General avers that the limitation of
2 bargaining to a single representative, the accompanying imposition of a duty of fair
3 representation, and the imposition of an equitable and adequate funding mechanism
4 all serve sufficient interests of the government as employer and are sufficiently
5 tailored to do so.

6 90. To the extent that the allegations contained in paragraph 90 are Plaintiffs'
7 characterization of their case and conclusions of law, no answer is required. To the
8 extent they may be deemed allegations of fact, the Attorney General denies the
9 allegations of paragraph 90.

10 91. To the extent that the allegations contained in paragraph 91 are Plaintiffs'
11 characterization of their case and conclusions of law, no answer is required. To the
12 extent they may be deemed allegations of fact, the Attorney General denies the
13 allegations of paragraph 91.

14 92. To the extent that the allegations contained in paragraph 92 are Plaintiffs'
15 characterization of their case and conclusions of law, no answer is required. The
16 Attorney General admits that each judicial opinion referenced in paragraph 92
17 speaks for itself. Except as specifically admitted, the Attorney General denies the
18 allegations of paragraph 92.

19 93. The Attorney General admits the allegations paragraph 93.

20 94. The Attorney General incorporates and reasserts each and every response
21 contained in the foregoing paragraphs of this Answer, as though fully set forth
22 herein.

23 95. The Attorney General admits that the First Amendment speaks for itself.
24 Except as specifically admitted, the Attorney General denies the allegations of
25 paragraph 95.

26 96. The Attorney General admits that the Fourteenth Amendment speaks for
27 itself. Except as specifically admitted, the Attorney General denies the allegations
28 of paragraph 96.

1 97. To the extent that the allegations contained in paragraph 97 are Plaintiffs'
2 characterization of their case and conclusions of law, no answer is required. To the
3 extent they may be deemed allegations of fact, the Attorney General denies the
4 allegations of paragraph 97.

5 98. To the extent that the allegations contained in paragraph 98 are Plaintiffs'
6 characterization of their case and conclusions of law, no answer is required. To the
7 extent they may be deemed allegations of fact, the Attorney General denies the
8 allegations of paragraph 98.

9 99. The Attorney General incorporates and reasserts each and every response
10 contained in the foregoing paragraphs of this Answer, as though fully set forth
11 herein.

12 100. To the extent that the allegations contained in paragraph 100 are
13 Plaintiffs' characterization of their case and conclusions of law, no answer is
14 required. To the extent they may be deemed allegations of fact, the Attorney
15 General denies the allegations of paragraph 100.

16 101. To the extent that the allegations contained in paragraph 101 are
17 Plaintiffs' characterization of their case and conclusions of law, no answer is
18 required. To the extent they may be deemed allegations of fact, the Attorney
19 General denies the allegations of paragraph 101.

20 102. The Attorney General admits that Plaintiffs seek an award of their costs,
21 including reasonable attorneys' fees, incurred in the litigation of this case pursuant
22 to 42 United States Code section 1988. The Attorney General denies that Plaintiffs
23 are entitled to such relief.

24 103. The Attorney General denies each and every allegation not previously
25 admitted or otherwise qualified.

26 The Attorney General denies that Plaintiffs are entitled to the relief set forth in
27 the Prayer for Relief immediately following paragraph 103, or to any relief
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1 whatsoever. To the extent that the Prayer for Relief, including each and all of its
2 subparagraphs, states any allegations, the Attorney General denies them.

3 In addition, without admitting any allegations contained in the Complaint, the
4 Attorney General asserts the following defenses based on information and belief:

5 **FIRST DEFENSE**

6 The Complaint, and every cause of action therein, is barred by the equitable
7 doctrines of estoppel, laches, unclean hands, and/or waiver.

8 **SECOND DEFENSE**

9 To the extent that the Attorney General has undertaken any conduct with
10 regard to the subjects and events underlying Plaintiffs' Complaint, such conduct
11 was, at all times material thereto, undertaken in good faith and in reasonable
12 reliance on existing law.

13 **THIRD DEFENSE**

14 The Attorney General has not knowingly or intentionally waived any
15 applicable affirmative defense. The Attorney General reserves the right to assert
16 and rely upon other such defenses as may become available or apparent during
17 discovery proceedings or as may be raised or asserted by others in this case, and to
18 amend the Answer and/or affirmative defenses accordingly. The Attorney General
19 further reserves the right to amend the Answer to delete affirmative defenses that he
20 determines are not applicable after subsequent discovery.

21 WHEREFORE, Defendant prays that:

22 1. Plaintiff stake nothing by reason of the Complaint;
23 2. Judgment be entered in favor of Defendants;
24 3. Defendants be awarded their costs incurred in defending this action; and
25 4. Defendants be awarded such further relief that the Court may deem just
26 and proper.

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1 Dated: March 30, 2017

Respectfully submitted,

2 XAVIER BECERRA
3 Attorney General of California
4 TAMAR PACHTER
5 Supervising Deputy Attorney General
6 KEVIN A. CALIA
7 Deputy Attorney General

8 */s/ Alexandra Robert Gordon*
9 ALEXANDRA ROBERT GORDON
10 Deputy Attorney General
11 *Attorneys for Defendant*
12 *Attorney General Becerra*

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CERTIFICATE OF SERVICE

Case Name: **Yohn, Ryan, et al. v. California
Teachers Association, et al.** No. **8:17-cv-00202**

I hereby certify that on March 30, 2017, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

ANSWER OF DEFENDANT ATTORNEY GENERAL XAVIER BECERRA

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 30, 2017, at San Francisco, California.

S. Caston
Declarant

/s/ S. Caston
Signature

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